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Zoning and Other Tools
for Implementation



2.27.2015 Sidney Douse III, DeKalb County

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Why Zoning?



NYC, Times Square, 1912


NYC, Times Square, 1913

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National Model Created in 1921

The Standard Acts

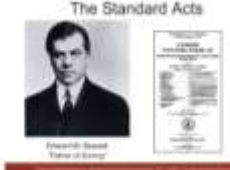
- Commission on the Standard Acts
- Secretary of the Interior
- Advisory Commission on the Standard Acts
- In 1921 to study and develop a model zoning act



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1922
States Began Adopting the Standard Act


The Standard Act



Frederick Law Olmsted
Father of Zoning

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Zoning is Constitutional



1926—Village of Euclid v. Ambler
Realty Co., 272 U.S. 365, upholds
constitutionality of zoning

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Zoning is Constitutional

- Georgia Constitution – 1983 – Article. 9
 - The governing authority of each county and of each municipality may adopt plans and may exercise the power of zoning. This authorization shall not prohibit the General Assembly from enacting general laws establishing procedures for the exercise of such power.^[1]

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Zoning


- "The legal power of government to regulate the use of private property for the purpose of protecting the public health, safety, morals, and general welfare."
- Includes zoning map and zoning ordinance
- Zoning regulates what can go where



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Benefits of Zoning


- Minimizes incompatible land uses
- Increases predictability
- Protects property values
- Allows for coordinated planning for roads, utilities, schools, etc.



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Drawbacks of Zoning

Following WWII, planners kept adding more zoning categories, further segregating daily needs



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When Zoning Fails:
what scale is your community?



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When Zoning Fails:
what kind of place are we creating?



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Improper use of Zoning can kill a city through
Vertical & Horizontal Overexpansion



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Are there Better Tools ?

- Planned Unit Development regulations
- Development standards/subdivision regulations
- Overlay Ordinances
- Form Based Codes



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Planned Unit Development (PUD)

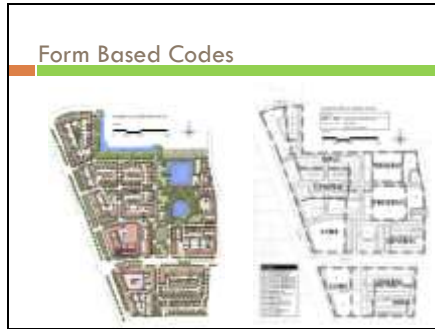
- A designed grouping of varied and compatible land uses within one contained development
 - Can include housing, recreation, office and commercial components
- Can regulate building placement and form
- Can regulate landscaping
- Can allow for flexibility
- More difficult to manage
- Decreases predictability
- Can be abused

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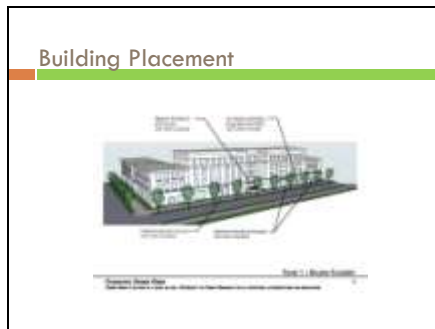
Overlay Ordinances

- The underlying zoning remains in place
- New regulations are “overlaid”
- These regulations can stipulate:
 - Building materials allowed
 - Placement of buildings and parking
 - Allowable locations and size of signage
 - Landscape requirements
 - Density, lot size, & open space requirements

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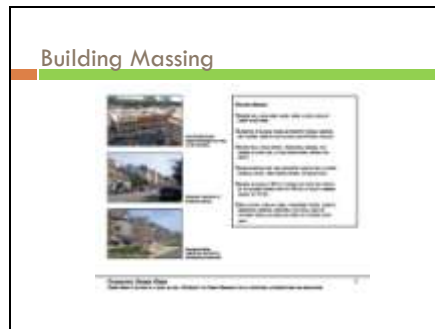
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Open Space



Open Space

The Open Space is a key element of the urban design. It provides a place for recreation, relaxation, and social interaction. The Open Space should be designed to be accessible, safe, and attractive. It should be integrated into the urban fabric and provide a variety of uses and activities.

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Street Type



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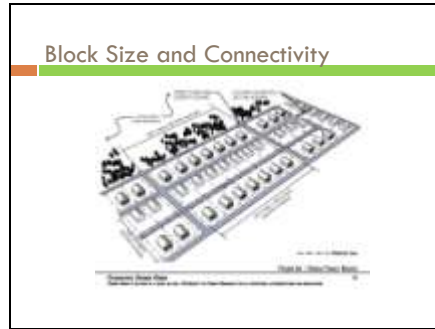
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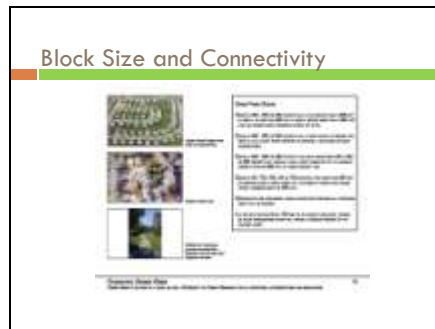
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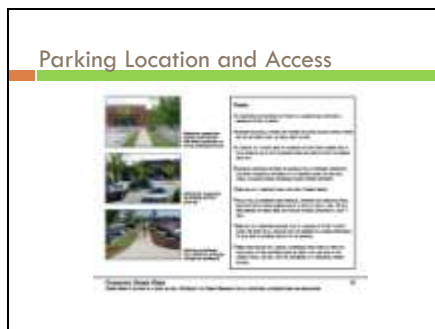
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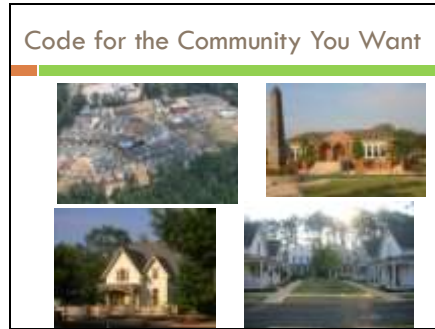
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On the Practical Side

■ Rezoning –

- Changing property permanently from one zone to another;
- Zoning Map
- Records of Zoning Decisions
- District Requirements
 - Uses, Lot Size, Parking, Special Uses
- Site Design
 - Density
 - Lot Coverage
 - Setbacks
 - Building Height



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On the Practical Side

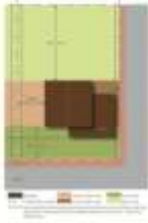
- Conditional Use –
 - Requires special permission for certain uses within a specific zoning classification



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On the Practical Side


- Variance –
 - Permission to deviate from usual zoning regulations (setback, height, etc.) because of unusual and unnecessary hardship
 - Zoning Board of Appeals (ZBA, BZA, ZRB, Etc.)
 - Decision-making body for variances and administrative appeals
 - Quasi-judicial actions
 - Appeals are to Georgia Superior Court



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On the Practical Side

- Subdivision Regulations
 - GA Plat Act (O.C.G.A. 15-6-67)
 - Administrative Requirements
 - Hearing requirements
 - Preliminary Plat
 - First draft
 - Infrastructure design review
 - Final Plat
 - Legal creation of lots
 - Minor subdivisions and exemptions



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Contact Information

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